IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4295 OF 2005

Jaidas Natha Ulwekar @ Bhoir. ... Applicant.

Versus.

SDtate of Maharashtra. ... Respondent.

Shri Samrat H.Jadhav for the Applicant.

Shri K.V.Saste, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 19th July, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that the alleged recovery of the weapon is made after lapse of 1-1/2 months and on the face of it the recovery is doubtful. He submitted that initially the Appellants had shown one Jaidas Bhoir as accused and later on a contention was raised that the Applicant whose name is Jaidas Natha Ulwekar is the same as Jaidas Bhoir. He relied upon that the orders passed in the Criminal Application No.1577 of 2004 as well as Criminal Application No.2267 of 2005 by which co-accused were enlarged on bail. He, therefore, submitted that the Applicant is entitled to be enlarged on bail.

3. The learned A.P.P. pointed out that this Court

rejected the Bail Application filed by the co-accused Prabhudas and Ramkumar and there is no difference between the role played by the present Applicant and the said two Accused. He submitted that the Applicant was absconding for a long time.

4. I have considered the submissions made by the learned Counsel for the Applicant and the learned A.P.P. The Applicant was arrested after about 1-1/2 years after the date of incident. The learned Sessions Judge while rejecting the Application made by the Applicant has observed that he was absconding for 1-1/2 years. There is a recovery of weapon and vehicle at the instance of the Applicant. The evidentiary value to be attached to the recovery will have to be considered at the stage of trial. At this stage it appears that there is no difference between the role played by the Applicant and the role played by co-accused Prabhudas and Rajkumar. Considering all these aspects, no case is made out for grant of bail.

5. While disposing of the Application filed by the co-accused Prabhudas, this court by order dated 3rd May 2005 passed in Criminal Application No.2453 of 2005 has directed that the case should be assigned to a Fast Track Court, so as to ensure that the trial is completed expeditiously as High Court expedited case.

6. Hence the Application is rejected. However, the learned Sessions Judge is directed to abide by the order dated 3rd May 2005 passed by this Court in Criminal Application No.2453 of 2005.

Judge.